

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, Claims 1-5, 7, 8, 10-31, 33, 34 and 36-66 are pending in this application, with Claims 1, 51, 52, 53, 65 and 66 being independent. Claims 11-28, 51 and 52 have been withdrawn from consideration. Claims 1, 34, 38, 40, 42, 54, 56, 65 and 66 are sought to be amended by this paper. Applicants submit that such amendments add no new matter to the application, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

Examiner Interview

Applicants, again, wish to acknowledge and thank the Examiner for the courtesy extended to their representatives during the personal interview conducted on December 16, 2005, as well as the subsequent telephone conversations seeking to clarify the language of the claims in an effort to pass the application to allowance. Applicants assert that the amendments to the claims submitted in this paper address the Examiner's previously-stated concerns and recite patentable subject matter.

Rejections under 35 U.S.C. § 112

The Examiner has rejected Claims 1-5, 7-8, 10, 29-31, 33-34, 36-50, 54, 56 and 65 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly

point out and distinctly claim the subject matter that Applicants regard as their invention. More particularly, the Examiner has stated that Claims 1, 34, 41 [sic], 42, 54, 56 and 65 recite claimed elements in combination with unclaimed elements. Applicants have amended the subject claims of the application to address the Examiner's rejection and to render the claims definite.

With respect to Claim 38, the Examiner has indicated that there is no antecedent basis for the "take off position" phrase. Applicants have amended the dependency of this claim from Claim 1 to Claim 37, thereby providing the required antecedent basis.

Claims 2-5, 7-8, 20, 29-31, 33-34, 36-37 and 39-50 have been rejected as being dependent on a rejected base claim. Applicants submit that the amendments to Claims 1, 34, 40, 42, 54 and 56 accommodate and overcome the rejection, as also applied to the rejected dependent claims.

In view of such amendments, Applicants respectfully request reconsideration and withdrawal of the rejection under Section 112, second paragraph, and allowance of the pending claims.

Rejections under 35 U.S.C. § 102

The Examiner has rejected Claims 1, 3-5, 10, 34, 36-38 and 65-66 under 35 U.S.C. §102(b) as being anticipated by European Patent Publication No. 0 036 822 A1 to Legrand (the "Legrand" publication). With respect to independent Claims 1 and 65, the Examiner has taken the position that the Legrand publication

"discloses a seating unit (2) comprising a pair of seats (3)(4) facing in opposite directions and directly mounted to the floor of the aircraft as best depicted in Figure 3. Each of seats (3)(4) has a seating space (5)(6) and an extension space (12)(11). Seats (3)(4) are positioned either side of a

longitudinal axis (18) where the seating space (5) of seat (3) extends over the longitudinal axis (18) towards the extension space (11) of seat (4) and the seating space (6) of seat (4) extends over the longitudinal axis (18) toward extension space (12) of seat (3). The seating spaces (56) are larger than extension spaces (12)(11). Each seat (3)(4) has a seat axis (unlabeled) represented by a dashed line that is substantially parallel to longitudinal axis (18) of each seat (34). Furthermore, each seat has a side wall extending from corner pieces (53)(54)(57)(58) substantially parallel to the seat axis and the longitudinal axis (18). The seats each comprise a back portion (102) and a seating portion (unlabeled), located between pivot points (104) and an angular bend (unlabeled) shown in Figure 11. Said seating portion (unlabeled) is movable with the back portion (102), as indicated by the movement between phantom and solid lines shown in Figure 11, to allow the back portion to move between an upright position (phantom lines) substantially perpendicular to the floor of an aircraft (unillustrated) and a fully reclined position (solid lines) in which the seat portion and the back portion form a flat surface."

See Office Action, p. 4. Applicants respectfully disagree with the position taken by the Examiner.

In addition to the arguments made by Applicants in their Reply and Amendment dated December 27, 2005, regarding the inapplicability of the railway car berths of the Legrand publication to a passenger aircraft, Applicants submit that the Legrand publication fails to disclose (or even suggest) the subject matter of Claims 1 and 65, as hereby amended.

The Legrand publication appears to disclose a multiplicity of elongated berths, each having a reclined or couched profile in a compartment of a railway carriage. The Legrand publication is particularly concerned with providing the maximum number of berths in a compartment and, therefore, arranges the berths in elongated tiers or levels, with each berth having a reduced thickness that is positionable between a first, reclined position and a second, semi-reclined position. See Figure 11. As shown in Figures 3, 11

and 12, the berths of the Legrand publication are supported at their ends, and mounted to the walls of the railway carriage, in a hammock-like manner.

Turning to the language of Claim 1, this claim, as hereby amended, calls for, *inter alia*, an aircraft seating unit comprising a back portion and a seating portion, the seating portion being movable with the back portion to allow the back portion to move between an upright position that is substantially perpendicular to a floor of the aircraft and a fully reclined position. Moreover, when the back portion is moved to the fully reclined position, the seating portion and the back portion extend substantially along a horizontal plane such that the seating portion and the back portion together form a substantially flat surface.

While the Legrand publication appears to disclose a seating portion and a back portion that is movable between two reclined positions, the back portion of the berth is not movable between *an upright position that is substantially perpendicular to a floor of the aircraft* and a fully reclined position, as claimed. As shown in Figure 11, when the back portion (102) of the seat of the Legrand publication is in the allegedly upright position (phantom lines), the back portion is positioned at a still reclined angle of approximately 45° with respect to the floor of the railway carriage; it is not *substantially perpendicular* to the floor, as claimed.

In addition, Claim 1 recites that when the back portion is moved to the fully reclined position, the seating portion and the back portion extend substantially along a horizontal plane such that the seating portion and the back portion together form a substantially flat surface. With reference again to Figure 11, when the back portion (102) of the seat of the Legrand publication is positioned in the allegedly fully reclined

position (shown in solid line), the seating portion and the back portion do not *extend substantially along a horizontal plane* such that the *seating portion and the back portion together form a substantially flat surface*. On the contrary, when in the allegedly fully reclined position, the back portion of the seat of the Legrand publication is positioned at an angle of nearly 90° with respect to the seating portion of the seat. For this reason, the seating portion and back portion do not (and cannot) together form a substantially flat surface, as claimed. In the absence of such teachings, Applicants submit that independent Claim 1, and claims 3-5,10, 34 and 36-38 that depend therefrom, are patentable over the Legrand publication.

Like Claim 1, independent Claim 65, as amended, recites that when the back portion of the seating unit is moved to the fully reclined position, the seating portion and the back portion extend substantially along a horizontal plane such that the seating portion and back portion together form a substantially flat surface. In view of this claim language, Applicants submit that Claim 65, as hereby amended, is patentable over the Legrand publication for at least the same reason as Claim 1. Moreover, Claim 65 requires that the seating unit be directly mounted to a floor of an aircraft cabin. The elongated tiered berths of the Legrand publication, however, are mounted to the *walls* of the railway car, not the floor. *See* Figure 3. For at least these reasons, Applicants submit that Claim 65, as hereby amended, is also patentable over the Legrand publication.

Independent Claim 66 recites the same feature as Claims 1 and 65, with respect to the seating portion and the back portion extending substantially along a horizontal plane such that the seating portion and the back portion together form a substantially flat surface. In light of the above discussion for Claims 1 and 65, Applicants assert that

Claim 66 is likewise patentable under Section 102. Applicants further contend that Claim 66 is patentable over the Legrand publication because the Legrand publication fails to disclose a seat axis parallel to a longitudinal axis (18) and a side wall axis, as claimed. On the contrary, the alleged longitudinal axis of the Legrand publication is positioned at an angle of approximately 20° with respect to the seat axis, and thus fails to provide an anticipating disclosure.

In light of all of the above arguments, Applicants assert that Claims 1, 65 and 66, and the claims that depend therefrom, are patentable over the Legrand publication. Applicants therefore respectfully request reconsideration and withdrawal of the rejection as applied to Claims 1, 3-5, 10, 34, 36-38 and 65-66, and allowance thereof.

Rejections under 35 U.S.C. § 103

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Legrand publication in view of U.S. Patent No. 2,480,322 to Cozzoli. The Cozzoli patent fails to disclose the limitations of amended Claim 1 that are absent from the Legrand publication. Because the Legrand and Cozzoli combination does not provide a teaching or suggestion of the invention of amended Claim 1, the claim from which Claim 2 depends, Applicants assert that Claim 2 is patentable.

Claims 7 and 8 have been rejected under Section 103(a) as being unpatentable over the Legrand publication in view of the published U.S. application to Park (US2001/0000639). The published U.S. application to Park fails to disclose the features of amended Claim 1 that are absent from the Legrand publication. Because the Legrand and Park combination does not provide a teaching or suggestion of the invention of

amended Claim 1, the claim from which Claims 7 and 8 depend, Applicants assert that such claims are patentable.

Claims 29, 30 and 33 have been rejected under Section 103(a) as being unpatentable over the Legrand publication in view of the International publication to Park (WO 98/36967). The International publication to Park fails to disclose the features of amended Claim 1 that are absent from the Legrand publication. Because the Legrand and Park combination does not provide a teaching or suggestion of the invention of amended Claim 1, the claim from which Claims 29, 30 and 33 depend, Applicants assert that such claims are patentable.

Claim 31 has been rejected under Section 103(a) as being unpatentable over the Legrand publication in view of the International publication to Park, and further in view of U.S. Patent No. 6,102,476 to May *et al.* Neither the International publication to Park, nor the patent to May *et al.* disclose the limitations of amended Claim 1 that are absent from the Legrand publication. Because the Legrand, Park and May combination does not provide a teaching or suggestion of the invention of amended Claim 1, the claim from which Claim 31 depends, Applicants assert that this claim is patentable.

Based on all of the above remarks, Applicants submit that the noted dependent claims are patentable. Withdrawal of the rejections under Section 103(a) and allowance of these claims is respectfully requested.

Other Matters

Applicants note and thank the Examiner for the indication of allowable subject matter with respect to Claims 39-50, 54 and 56. As discussed above, claims amendments

have been provided herein to address the Examiner's 112, second paragraph rejections.

As such, Applicants respectfully request allowance of the claims. Claims 53, 55 and 57-64 have been allowed.

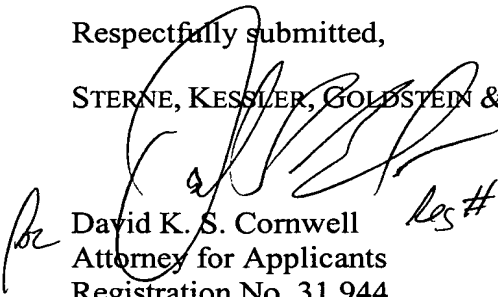
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete Reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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